AMENDMENT AND RESPONSE UNDER 37 C.F.,R §1.111

Application No. 10/653,027

Title: Tissue Connector Apparatus and Methods

REMARKS

Reconsideration and withdrawal of the rejections of the claims, in view of the amendments and arguments presented herein, is respectfully requested.

Claims 12-17, 19-27 and 30 are pending. Claims 1, 3, 5, 6, 8-11, 18, 28, 29 and 31-35 have been cancelled without prejudice.

Claims 1, 3, 5, 9 and 10 were rejected under 35 U.S.C. §102(b) as being anticipated by Seitzinger, U.S. Patent No. 5,374,268. Claims 1, 28, 29 and 32-35 were rejected under 35 U.S.C. §102(b) as being anticipated by Peters, U.S. Patent No. 4,431,226. Claims 6 and 8 were rejected under 35 U.S.C. §103(a) as being unpatentable over Seitzinger in view of Kaufman et. al., U.S. Patent No. 3,125,095. Claims 11 and 18 were rejected under 35 U.S.C. §103(a) as being unpatentable over Seitzinger in view of Totakura et. al., U.S. Patent No. 5,383,904. Claim 31 was rejected under 35 U.S.C. §103(a) as being unpatentable over Peters in view of Bendel et. al. U.S. Patent No. 5,350,419. The Examiner indicated that Claims 24 and 26 are allowed. The Examiner also indicated that claims 12-17, 19-23, 25, 27, and 30 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicants have amended claims 12, 19, 22, 23, 25, 27, and 30 to include all of the limitations of the base and any intervening claims rendering moot the rejections of the claims as set forth above. Therefore claims 12, 19, 22, 23, 25, 27, and 30 and the claims dependent thereon are allowable.

CONCLUSION

In view of the foregoing, Applicant believes all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner comes to believe that a telephone conversation may be useful in addressing any remaining open issues in this case, the Examiner is urged to contact the undersigned agent at 763-505-8418.

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A request for a one (1) month extension of time under 37 C.F.R. 1.136(a) has been made with this Amendment. In addition, a supplemental Information Disclosure Statement is being filed concurrently herewith. Please charge to Deposit Account No. 13-2546 the fees required for the one-month extension of time and supplemental Information Disclosure Statement. Please charge any additional required fees or credit any overpayment to Deposit Account No. 13-2546.

Date February 16, 2010

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